



# PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington State Board of Health

- ☒ Preproposal Statement of Inquiry was filed as WSR 03-20-043 ; or  
☐ Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or  
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice  
☐ Supplemental Notice to WSR \_\_\_\_\_  
☐ Continuance of WSR \_\_\_\_\_

Title of rule and other identifying information: (Describe Subject)

Chapters 246-100 and 246-101 WAC-HIV Counseling and Testing and Partner Notification Services

These proposed rule changes address HIV counseling and testing, partner notification services and HIV prevention services with HIV-infected persons.

Hearing location(s):

Comfort Inn  
1620 74th Ave. SW  
Tumwater, Washington

Date: April 13, 2005 Time: 1:30 pm

Submit written comments to:

Name: John F. Peppert

Address: PO Box 47840, Olympia, WA 98504-7840

e-mail <http://www3.doh.wa.gov/policyreview>

fax (360)236-3427 by (date) April 5, 2005

Assistance for persons with disabilities: Contact

Desiree Day Robinson by April 1, 2005

TTY (800) 833-6388 or (360) 236-4110

Date of intended adoption: April 13, 2005

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

- In general, these proposed rule changes address expanding access to HIV testing, increasing efforts to notify exposed partners of their exposure to HIV infection, and encouraging services to meet the HIV prevention needs of HIV-infected persons. Specifically:
- HIV counseling requirements are revised such that the requirement to provide counseling is significantly reduced as a barrier to the receipt of HIV testing.
  - Specific consent for HIV testing is maintained though that consent no longer has to be separate.
  - Public health officials are given primary responsibility for partner notification unless the principal health provider accepts that responsibility.
  - CDC guidance for counseling and testing and for partner notification are referenced as standards for both the public sector and the private sector.
  - Allows partner notification records to be maintained for more than three months if they are being used in the investigation of conduct endangering the public health.
  - Requires the principle health care provider to provide HIV prevention information for persons with HIV when appropriate, and STD clinicians must recommend HIV testing for persons being treated for an STD.

Reasons supporting proposal:

There are public health, personal health, and cost-savings benefits to early knowledge of HIV infection status. These include reduced risk behaviors, improved health outcomes, and potential for reduced infectiousness for those on antiretroviral treatment.

Statutory authority for adoption: RCW 74.13.289

Statute being implemented: RCW 74.13.289

Is rule necessary because of a:

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

DATE

3/1/05

NAME (type or print)

Craig McLaughlin

SIGNATURE

TITLE

Executive Director, State Board of Health

CODE REVISER USE ONLY

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

MAR 2 2005

TIME 11:33 AM

WSR 05-06-123 PM

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization) Washington State Board of Health and Washington State Department of Health

- ☐ Private  
☐ Public  
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... John F. Peppert	7211 Cleanwater Lane, Bldg. 9, Tumwater, WA 98501	(360-236-3427)
Implementation..... John F. Peppert	7211 Cleanwater Lane, Bldg. 9, Tumwater, WA 98501	(360-236-3427)
Enforcement..... John F. Peppert	7211 Cleanwater Lane, Bldg. 9, Tumwater, WA 98501	(360-236-3427)

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No. Explain why no statement was prepared.

The department did not prepare a Small Business Economic Impact Statement under chapter 19.85 RCW, because this rule does not impose more than minor costs on offices conducting HIV testing.

Is a cost-benefit analysis required under RCW 34.05.328?

☒ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: John F. Peppert

Address: PO Box 47840, Olympia, WA 98504-7840

phone (360) 236-3427

fax (360) 236-3400

e-mail [john.peppert@doh.wa.gov](mailto:john.peppert@doh.wa.gov)

☐ No: Please explain: